

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEPHEN BAKER,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:09CV54 HEA
)	
FORMTEK METAL FORMING, INC.,)	
)	
Defendant/Third Party Plaintiff,)	
)	
vs.)	
)	
BRAMKO TOOL AND)	
ENGINEERING, INC.,)	
)	
Third Party Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant Bramko Tool & Engineering, Inc.'s Motion to Dismiss, [Doc. No. 86].

On July 21, 2010, the Court granted Plaintiff's Motion for Leave to File Amended Complaint. The Amended Complaint joins Bramko as a party defendant by adding claims of strict products liability and negligence against it.

In its Motion to Dismiss, Bramko correctly argues that the Court no longer has diversity jurisdiction since both Plaintiff and Bramko are citizens of the state of Missouri, and therefore this case must be dismissed. *Owens Equipment & Erection*

Co. v. Kroger, 437 U.S. 365, 367 (1978).

Accordingly,

IT IS HEREBY ORDERED that Bramko's Motion to Dismiss, [Doc. No. 86], is **GRANTED**.

IT IS FURTHER ORDERED that this matter is dismissed.

Dated this 22nd day of July, 2010.

A handwritten signature in black ink, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE